

Planning Board Meeting
(meeting was recorded)

On Tuesday, October 25, 2022, the Holyoke Planning Board held a Public Meeting via in-person at the City Hall Annex, Room 406 and via Zoom.com #836 3939 8493 at 5:30 p.m.

Attendance:

Planning Board

Mimi Panitch Chairman (remote/6:50)
Kate Kruckemeyer Vice-Chairman
Gurninder Dhaliwal Secretary
Rosanna Lopez Member (remote/6:45)
Nathan Chung Member
Lauren Niles Associate (remote)

Planning Staff

Jeffrey Burkott Principal Planner
Jack Carolan Planner II
Sharon Konstantinidis..... Head Admin Clerk

Others Present

Alexandra Cichetti R. Levesque Associates
Edison & Nick Yee Betlai

Others Present

Michael Bissonnette Asst. City Attorney

Kate Kruckemeyer called for a motion to open the meeting and take the agenda out of order. The motion was made by Gurninder Dhaliwal and seconded by Nathan Chung. The motion carried 3 to 0 by roll call vote as follows:

Nathan Chung, Member Yes Kate Kruckemeyer, Vice-Chairman Yes
Gurninder Dhaliwal, Secretary... Yes

ZONE CHANGE / SITE PLAN REVIEW/ SUBDIVISION/SPECIAL PERMIT

4. Approval Not Required (ANR) – 52/56 Suffolk Street (011-06-019), Dimitry Zhivotovsky

Jeffrey Burkott provided an update noting that he had not received additional information as requested from the surveyor.

Kate Kruckemeyer reviewed the ANR handbook, specifically page 47/48, noting that per Chapter 41, Section 81P, MGL which states, the endorsement may include a statement of the reason approval is not required." Court cases have supported the concept that, where a Planning Board knows, its endorsement may tend to mislead buyers of lots shown on a plan. If an applicant is unwilling to note on the plan those lots which are in noncompliance with the zoning bylaw, it is suggested that the Planning Board properly add on the plan under its endorsement, an explanation to the effect that the Planning Board has made no determination regarding zoning compliance. The handbook suggests that Planning Boards consider the following type of statement: 1. "The above endorsement is not a determination of conformance with zoning regulations" 2. "No determination of compliance with zoning requirements has been made or intended." 3. "Planning Board endorsement under the Subdivision Control Law should not be construed as either an endorsement or an approval of Zoning Lot Area Requirements."

Jeffrey Burkott stated that a note could be added to the plan and the necessary language also added on the standard determination letter to the City Clerk.

A motion was made by Gurninder Dhaliwal to sign the ANR. The motion was seconded by Nathan Chung who requested the appropriate language as suggested in the ANR Handbook, #2 option be added to the City Clerk Letter. The motion carried by roll call vote:

Nathan Chung, Member Yes Kate Kruckemeyer, Vice-Chairman Yes
Gurninder Dhaliwal, Secretary... Yes

PLANNING BOARD BUSINESS

1. Executive Session

a) Topics related to proposed drive-through facility litigation (#145) 500 Easthampton Rd (213-00-003), Salmar Realty No Discussion.

3. Minutes: The Board reviewed the minutes from September 27, 2022 regarding the White Hut - Special Permit for signs Public Hearing; Elm Street parking lot - Special Permit to increase fence height public hearing; and the Gary Rome Site Plan Review and Special Permits Public Hearing. A motion to approve the minutes was made by Gurninder Dhaliwal and seconded by Nathan Chung. Under Discussion: Nathan Chung noted that he was not at September's meeting and therefore was *disqualified from voting due to Holyoke's failure to adopt M.G.L. Ch 39 23D. No vote was taken at this time.

4. Meeting Schedule (tentative):

- November 15, 2022 - HB&GC SP Sign; discuss drafts of ADU / Food Trucks
- November 29, 2022 - SPR Northampton St. Res Dev
- December 13, 2022 - SPR drive-through facility litigation.
- January 10, 2023 - ZC Food Truck Zones ZC ADU

2. Project Updates/Old Business/New Business:

- *Board Discussion - Hybrid Presentations and SPR Applicant Checklist*
Tabled until all Board Members were in attendance.
- *41 Temple Street*- Jeff Burkott stated that the City Council approved the zone change noting that the applicant will still need a City Council Special Permit for motor vehicle repair under section 7.2.13(A) and then they can pursue a motor vehicle repair license through the License Board. Had the zone change been denied, 41 Temple Street could have just obtained a motor repair vehicle license and continued the preexisting nonconforming use.
- *Former Lynch School Site* – Jeffrey Burkott that a site visit occurred as they are installing landscaping; there was currently no tenant for the building.
- *37 Appleton Street* - Jeff Burkott noted that 37 Appleton St is the former Worthington manufacturing business at the corner of Appleton and Canal Street. Proposed is a 2 phased project consisting of a 3,000 sq ft structure to house vehicles and a transformer. Although this does not trigger site plan review, it will trigger an RDA under the Conservation Commission, a Stormwater Authority Review, and a Planning Board review under Section 7.1.7.2, Industrial Uses. The applicant will need to submit a plan for review by the Planning Board. Phase two is proposed to be a 28,000 square foot building, however no details are available.
- *Charter School* – Jeffrey Burkott noted that the project is wrapping up and a site visit for compliance will soon be scheduled.
- *White Hut* – Kate Kruckemeyer explained that due to the delay in obtaining a quorum, the Public Hearing may have to be continued. Jeff Burkott requested the applicant double check the square footage of the proposed signs as the totals do not add up.
- *Mullin Rule* - Kate Kruckemeyer requested additional information from Attorney Bissonnette regarding the procedure for the City Council to consider adopting the Mullin Rule. Attorney Bissonnette responded that an Order would need to be filed to change the Holyoke charter.
- *Planning Board Attorney* – Kate Kruckemeyer asked if Jeanne from the Law Department was still assigned to the Planning Department for questions. Attorney Bissonnette stated that it was currently Jeanne but there may be a redistribution of assignments once they are fully staffed. He added that the Planning Board or Staff was at liberty to e-mail him questions in the interim.

Sharon Konstantinidis asked for clarification regarding the City Council statement that the Planning Board was not allowed to request opinions of the Law Department. Attorney Bissonnette responded that he was not aware of this rule noting that all Departments were allowed to seek opinions/assistance of the City Solicitor.

- *Popeyes* – Gurninder Dhaliwal noted that he viewed a refuse bin in the middle of the parking lot and questioned if that was part of their approved plan. Jeffrey Burkott responded that one enclosure was approved; a second one would require an amendment. [A site visits later occurred; no 2nd dumpster was present]

ZONE CHANGE / SITE PLAN REVIEW/ SUBDIVISION/SPECIAL PERMIT Continued

2. Special Permit Sign Size (Sect 6.4.6.4) – 850 Hampden/Pleasant St (092-00–011/112), White Hut, Betlai, Edison Yee, (2022-16)
Due to lack of the proper quorum to open the scheduled public hearings, a discussion occurred relative to the anticipated continuation date of November 15, 2022 and the potential date of approval. Kate Kruckemeyer stated that once the Hearing closed, the Board would consider rendering a Decision that evening noting there would still be the 20-day appeal time frame before a building permit could be obtained.

Jeffrey Burkott suggested the Applicant submit updated plans prior to November 15th, noting that the total square footage was incorrect.

3. Special Permit Multiple Signs (Sect 6.4.6.4) – 850 Hampden/Pleasant St (092-00–011/112), White Hut, Betlai, Edison Yee, (2022-16). Public Hearing continued until 11/15/22.

Recess - At 6:31 p.m., a motion was made by Nathan Chung and seconded by Gurninder Dhaliwal to recess the meeting of the Planning Board for 15 minutes. The motion carried 3-0 by roll call vote:

Nathan Chung, Member	Yes	Kate Kruckemeyer, Vice-Chairman	Yes
Gurninder Dhaliwal, Secretary...	Yes		

Resume – At 6:45 p.m., a motion was made by Gurninder Dhaliwal and seconded by Nathan Chung to resume the meeting of the Planning Board. The motion carried 4-0 by roll call vote:

Nathan Chung, Member	Yes	Kate Kruckemeyer, Vice-Chairman	Yes
Gurninder Dhaliwal, Secretary...	Yes	Rosanna Lopez, Member	Yes

ZONE CHANGE / SITE PLAN REVIEW / SUBDIVISION/SPECIAL PERMIT Continued

1. Special Permit - Fence Height (Sect 4.6.3.2) **Discussion** – 56 Sterling Road (168-00-028) David Cavanaugh (2022-21)

The Board reviewed the Notice of Decision. Kate Kruckemeyer called for a motion to approve the Special Permit. A motion was made by Mimi Panitch and seconded by Nathan Chung to approve the Notice of Decision as amended. The motion carried 4-0 by roll call vote:

Nathan Chung, Member	Yes	Kate Kruckemeyer, Vice-Chairman	Yes
Rosanna Lopez, Member	Yes	Mimi Panitch, Chairman	Yes
Gurninder Dhaliwal, Secretary...	Disqualified from voting *(missed 10/11 meeting)		

* Disqualified from voting due to Holyoke's failure to adopt M.G.L. Ch 39 23D

PLANNING BOARD BUSINESS

4. Minutes: The Board, having a quorum, reviewed the minutes from September 27, 2022 regarding the White Hut Special Permit for signs Public Hearing; Elm Street parking lot Special Permit to increase fence height public hearing, and the Gary Rome Site Plan Review and Special Permits Public Hearing. A motion to approve the minutes was made by Mimi Panitch and seconded by Gurninder Dhaliwal. The motion carried 4-0 by roll call vote:

Rosanna Lopez, Member	Yes	Kate Kruckemeyer, Vice-Chairman	Yes
Gurninder Dhaliwal, Secretary...	Yes	Mimi Panitch, Chairman	Yes
Nathan Chung, Member	Disqualified from voting *(missed 9/27 meeting)		

* Disqualified from voting due to Holyoke's failure to adopt M.G.L. Ch 39

2. Project Updates/Old Business/New Business:

Board Discussion: SPR Applicant Checklist - Jeffrey Burkott reviewed the draft Site Plan Review document previously sent to the Board. Following a review, a motion was made by Mimi Panitch and seconded by Kate Kruckemeyer to approve the document. The motion carried 5-0 by roll call vote:

Nathan Chung, Member	Yes	Kate Kruckemeyer, Vice-Chairman	Yes
Rosanna Lopez, Member	Yes	Mimi Panitch, Chairman	Yes
Gurninder Dhaliwal, Secretary...	Yes		

Board Discussion: Hybrid Presentations – Following a discussion, the Board agreed to encourage Applicant's present their proposal materials via Zoom as the presentation was better viewed by everyone.

Northampton Street Residential Development – A legal opinion was received from the Law Department which read that Juniper Way is a private way owned by Michael Kane. The question remains as to how to include Juniper Way as part of Mr. Kane's property to tax him appropriately.

3. Other Business: Committee Reports (PPG (Jack), CPA, PAC, WSR Study Group, PVPC Meetings, CDBG)

a. **CPTC Workshop** – Anyone wishing to attend any of the workshops kindly RSVP to Sharon Konstantinidis.

Recess - At 8:04 p.m., a motion was made by Mimi Panitch and seconded by Gurninder Dhaliwal to recess the meeting of the Planning Board to open the public hearings. The motion carried 5-0 by roll call vote:

Nathan Chung, Member	Yes	Kate Kruckemeyer, Vice-Chairman	Yes
Rosanna Lopez, Member	Yes	Mimi Panitch, Chairman	Yes
Gurninder Dhaliwal, Secretary...	Yes		

Resume – At 8:10 p.m., a motion was made by Kate Kruckemeyer and seconded by Nathan Chung to resume the meeting of the Planning Board. The motion carried 5-0 by roll call vote:

Nathan Chung, Member	Yes	Kate Kruckemeyer, Vice-Chairman	Yes
Rosanna Lopez, Member	Yes	Mimi Panitch, Chairman	Yes
Gurninder Dhaliwal, Secretary...	Yes		

1. Special Permit - Sign Size (Sect 6.4.6.4) **Cont.** (8/23;9/13) – 70 Nick Cosmos Way (020-02-010), HB&GC, Ann Mann (2022-17)

At 8:11 p.m., the Board reviewed the draft decision letter. A motion was made by Kate Kruckemeyer and seconded by Mimi Panitch to grant "Leave to Withdraw without Prejudice". The motion carried 5-0 by roll call vote:

Nathan Chung, Member	Yes	Kate Kruckemeyer, Vice-Chairman	Yes
Rosanna Lopez, Member	Yes	Mimi Panitch, Chairman	Yes
Gurninder Dhaliwal, Secretary...	Yes		

Adjournment

At 8:13 p.m., there being no further business to come before the Board, a motion was made by Gurninder Dhaliwal and seconded by Kate Kruckemeyer to adjourn the meeting of the Planning Board. The motion carried 5-0 by roll call vote:

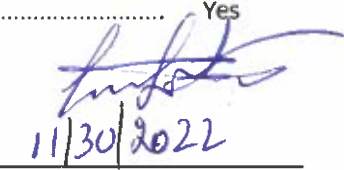
Nathan Chung, Member	Yes	Kate Kruckemeyer, Vice-Chairman	Yes
Rosanna Lopez, Member	Yes	Mimi Panitch, Chairman	Yes
Gurninder Dhaliwal, Secretary...	Yes		

Respectfully submitted,

Gurninder Dhaliwal, Secretary



Date signed:



**PLANNING BOARD PUBLIC HEARING MINUTES
SPECIAL PERMIT INCREASE IN SIGN SIZE (6.4.6.4) WHITE HUT (2022-16)
850 HAMPDEN STREET (Parcel 092-00-011/012) BETLAI**

On Tuesday, October 25, 2022, the Holyoke Planning Board held the above referenced Public Hearing via in-person at the City Hall Annex, Room 406 and via Zoom.com #836 3939 8493 at 5:30 p.m.

Attendance:

Planning Board

Mimi Panitch Chairman (remote/6:45)
Kate Kruckemeyer Vice-Chairman
Gurninder Dhaliwal Secretary
Rosanna Lopez Member (remote/6:50)
Nathan Chung Member
Lauren Niles Associate (remote))

Planning Staff

Jeffrey Burkott Principal Planner
Jack Carolan Planner II
Sharon Konstantinidis..... Head Admin Clerk

Others Present

Alexandra Cichetti R. Levesque Associates

Kate Kruckemeyer, at 8:09 p.m. called for a motion to reopen the above referenced Public Hearing (10/11). The motion was made by Mimi Panitch and seconded by Gurninder Dhaliwal. The motion carried 5-0 by roll call vote as follows:

Rosanna Lopez, Member.....	Yes	Kate Kruckemeyer, Vice-Chairman	Yes
Nathan Chung, Member	Yes	Mimi Panitch, Chairman	Yes
Gurninder Dhaliwal, Secretary...	Yes		

Kate Kruckemeyer stated that since there was a delay in obtaining a quorum and public hearing procedures, the Applicant has agreed to submit amended renderings noting the correct square footage.

Kate Kruckemeyer asked for those that wish to speak in favor or against the request, or to ask questions, to come forward. No one was forthcoming.

Adjournment

At 8:10 p.m., a motion was made by Mimi Panitch and seconded by Gurninder Dhaliwal to continue the public hearing until November 15, 2022 at 5:30 p.m.

The motion carried 5-0 by roll call vote as follows:

Rosanna Lopez, Member.....	Yes	Kate Kruckemeyer, Vice-Chairman	Yes
Nathan Chung, Member	Yes	Mimi Panitch, Chairman	Yes
Gurninder Dhaliwal, Secretary...	Yes		

Respectfully submitted,

Gurninder Dhaliwal, Secretary



Date signed: 11/30/2022

**ZONING TEXT CHANGE, FOOD TRUCK ZONES (2022-11)
TO ELIMINATE FOOD DESERTS, MANAGE THE LOCATIONS, AND PROMOTE VARIOUS NEIGHBORHOODS
COUNCILORS JOURDAIN, MALDONADO-VELEZ**

On Tuesday September 27, 2022 the Holyoke Planning Board held a virtual Public Hearing regarding the above referenced Applications via Zoom.com meeting ID #847 4714 5572 at 6:30 p.m.

Attendance:

Planning Board

Mimi Panitch	Chairman (remote)
Kate Kruckemeyer	Vice-Chairman
Rosanna Lopez	Member

Planning Staff

Aaron Vega	OPED Director
Jeffrey Burkott	Principal Planner
Jack Carolan	Planner II

Ordinance Committee

Linda Vacon	Chairman, Ward 5 Councilor
Kocayne Givner	Ward 4 Councilor
Israel Rivera	At-Large Councilor
Kevin Jourdain	At-Large Councilor
Jose Maldonado-Velez.....	At-Large Councilor

Others Present

Tessa Murphy-Romboletti..	At-Large Councilor (remote)
Kathleen Degnan.....	Assistant City Solicitor

Mimi Panitch, at 9:35 p.m., called for a motion to open the above-mentioned public hearing. The motion was made by Kate Kruckemeyer and seconded by Rosanna Lopez. The motion carried 3-0 by roll call vote as follows:

Rosanna Lopez, Member.....	Yes	Mimi Panitch, Chairman ...	Yes
Kate Kruckemeyer, Vice-Chairman...	Yes		

Linda Vacon explained that a former Order was filed to eliminate the yearly requirement for food truck vendors renewing their special permit. During those discussions, it was stated that often many food trucks show up at an event or festival and the question was raised if the city could benefit from having a concentrated area for food trucks. The Order was filed in the event a food truck zone was the appropriate direction.

The Ordinance Committee conveyed that the following was in an effort to serve various public interests: how to protect restaurant establishments who have invested in the downtown from a food truck parking in front of their business; how to encourage high quality food trucks to frequent underserved neighborhoods; and what are the best methods for economic growth. It was noted that a zoning district may not be the direction, but input is sought on how to create food truck areas, manage individual food truck locations, and identify food trucks that are not permitted.

Kate Kruckemeyer noted she was in support of efforts for supporting and regulating the food trucks but did not believe that "zoning" was the right avenue. The use of the word "zones" should not be confused with food truck "area". The beauty of food trucks is their adaptability to various location needs.

Attorney Degnan stated that creating a zoning district indicated that other locations would not be allowed. She asked for further clarification as to why Kate Kruckemeyer did not feel that this was a zoning issue. Kate Kruckemeyer responded that there were already regulations in place through the Board of Health and Licensing Board. A food truck zoning district would limit the ability to go anywhere else in the city, such as a park or special event location. An overlay district would have the same limitation.

Jack Carolan stated that food trucks imply occupying the public way and public areas which the Department of Public Works and City Engineer have oversight over those locations. Mimi Panitch concurred noting that the city may not want to create micro districts where the food truck designated areas would discourage restaurants from opening a business and encourage restaurant clusters.

Attorney Degnan stated that without designated zones, food trucks would be allowed everywhere in the city and questioned if that was what the city wanted. Kate Kruckemeyer responded that there may be times when a cluster of food trucks at a certain location may make sense and creating a specific zoning district would make that prohibitive.

Tessa Murphy-Romboletti stated that she works with many small business owners, many of which are food trucks, and navigating the process for food trucks to be permitted is very confusing. It is not clear who the permit granting authority is and

who has the final decision on the location of the food trucks; the decision has shifted from the City Clerk to the DPW. She added that although this was an important conversation to have, it appears that it is less about zoning and more on the policy and how that policy should look. Perhaps a new Order should be filed to collaborate with the pertinent entities to change the food truck permitting process for better clarification and to streamline the process, not only for businesses but also for the city departments. Councilor Vacon responded that food truck locations were approved through the City Council where Ordinance regulates a zone location.

Aaron Vega stated that the order was to address 1) food deserts which the Mass in Motion Coordinator, through the grant, was promoting and establishing healthy food in neighborhoods and communities; and 2) working closely with food banks, mobile markets, and the farmers market to minimize food insecurities. Operating a food truck business would need licensing through the Board of Health, License Board, and DPW for the location. Regulating these trucks through an ordinance would restrict the occasional use of a business to serve its employees and the use of a vacant lot for food pop-ups. He asked for those that are aware of unpermitted food trucks at events to kindly inform the Board of Health to ensure food safety.

Linda Vacon clarified that there was some confusion around the City Council "licensing" the location on city streets, based on a review of the public safety committee, and getting a "license to operate" through the Board of Health. The DPW would issue a permit for operating on city property. Aaron Vega replied that OPED has been working on a permitting guide where the process could be better clarified in time for Spring 2023.

Counselor Rivera asked how a food truck on High Street was allowed to operate when he only received permitting through the State. Rosanna Lopez questioned if the DPW can be part of the conversation and provide their requirements for obtaining a food truck permit.

Adjournment

At 9:45 p.m. a motion was made by Kate Kruckemeyer and seconded by Rosanna Lopez to continue the public hearing until January 10, 2023 at 6:30 p.m. in the event the discussion requires a change to the zone. (Ordinance Committee, Dec 13, 2022) The motion carried 3-0 by roll call vote as follows:

Rosanna Lopez, Member.....	Yes	Mimi Panitch, Chairman ...	Yes
Kate Kruckemeyer, Vice-Chairman...	Yes		

Respectfully submitted,

Gurninder Dhaliwal, Secretary



Date signed: 11/30/2022

PLANNING BOARD PUBLIC HEARING MINUTES
SPECIAL PERMIT INCREASE IN SIGN SIZE (6.4.6.4) HOLYOKE BOYS & GIRLS CLUB, (2022-17)
70 NICK COSMOS WAY (Parcel 020-02-010)

On Tuesday, October 25, 2022, the Holyoke Planning Board held the above referenced Public Hearing via in-person at the City Hall Annex, Room 406 and via Zoom.com #836 3939 8493 at 5:30 p.m.

Attendance:

Planning Board

- Mimi Panitch Chairman (remote/6:45)
- Kate Kruckemeyer Vice-Chairman
- Gurninder Dhaliwal Secretary
- Rosanna Lopez Member (remote/6:50)
- Nathan Chung Member
- Lauren Niles Associate (remote)

Planning Staff

- Jeffrey Burkott Principal Planner
- Jack Carolan Planner II
- Sharon Konstantinidis..... Head Admin Clerk

Kate Kruckemeyer, at 8:06 p.m. called for a motion to reopen the above referenced Public Hearing. The motion was made by Mimi Panitch and seconded by Gurninder Dhaliwal. The motion carried 5-0 by roll call vote as follows:

Rosanna Lopez, Member.....	Yes	Kate Kruckemeyer, Vice-Chairman	Yes
Nathan Chung, Member	Yes	Mimi Panitch, Chairman	Yes
Gurninder Dhaliwal, Secretary...	Yes		

Kate Kruckemeyer read a letter dated October 21, 2022 from Ann Mann of the Holyoke Boys and Girls Club which requested a "Leave to Withdraw without Prejudice" due to a change in the relocation of the sign to the Cabot Street side (north) of the building.

Kate Kruckemeyer asked for those that wish to speak in favor or against the request, or to ask questions, to come forward. No one was forthcoming.

Adjournment

At 8:08 p.m., a motion was made by Nathan Chung and seconded by Gurninder Dhaliwal to close the public hearing. The motion carried 5-0 by roll call vote as follows:

Rosanna Lopez, Member.....	Yes	Kate Kruckemeyer, Vice-Chairman	Yes
Nathan Chung, Member	Yes	Mimi Panitch, Chairman	Yes
Gurninder Dhaliwal, Secretary...	Yes		

Respectfully submitted,

Gurninder Dhaliwal, Secretary



Date signed: 11/30/2022